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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,129	06/05/2006	William H. Punzel	353.327	8711
23598	7590	07/20/2007		
BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203			EXAMINER KUHN, MART K	
			ART UNIT 3637	PAPER NUMBER
			NOTIFICATION DATE 07/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,129	<b>Applicant(s)</b> PUNZEL ET AL.	
	<b>Examiner</b> Mart K. Kuhn	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 25-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 25-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/2006; 9/25/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the locking system as described in the specification. The specification, at pages 11–14, describes the locking system 130a and states that “Fig. 13 shows lock rods 134a, 136a in the extended, engaged position,” (p. 12, ll. 9–10) corresponding to the horizontal locking position of control member 144a as shown in Fig. 1 (p. 12, ll. 20–29). However, Figs. 1 and 13 show control member 144a in opposite positions (*i.e.*, horizontally oriented in Fig. 1, but vertically oriented in Fig. 13), contrary to what is described in the specification.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The attempt to incorporate subject matter into this application by reference to an unspecified US patent (spec. at page 15, lines 22–23) is ineffective because the reference document is not clearly identified as required by 37 CFR 1.57(b)(2). Note that 37 CFR 1.57(g)(2) states that “[a] correction to comply with paragraph (b)(2) of this section is only permitted for material that was sufficiently described to uniquely identify the document,” which is not the case in this instance.

### ***Claim Objections***

3. Claims 5, 13 and 50 are objected to because of the following informalities: in claim 5, line 2, the phrase “configured to received” should be “configured to receive”; claim 13 does not end with a period; and claim 50 indicates that its status is “Original” yet includes underlined content (*i.e.*, the terminal period). Appropriate correction is required.

### ***Double Patenting***

4. A rejection based on double patenting of the “same invention” type finds its support in the language of 35 U.S.C. 101 which states that “whoever invents or discovers any new and useful process ... may obtain a patent therefor ...” (Emphasis added). Thus, the term “same invention,” in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

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5. Claim 13 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 22 of copending Application No. 11/585,069. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections—35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 8 recites the limitation "the support member" in line 5. There is insufficient antecedent basis for this limitation in the claim. For the purposes of this examination, claim 8 is considered as referring to "the mounting member".

***Claim Rejections—35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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10. Claims 1–3, 25–26, and 39–40 are rejected under 35 U.S.C. 102(b) as being anticipated by König, DE 197 00 330. König discloses a cabinet (10) defining an interior; a door arrangement (14) movable between open and closed positions; differently configured storage modules (22, 34, 34.2, 37, 39) adapted to be mounted within the cabinet interior, and sets of storage modules mounted within the cabinet (Figs. 1, 2); firearm storage modules (22, 34, 34.2) configured to support and store firearms (30), and sets of firearm storage modules forming firearm storage arrangements (Figs. 1, 2); and shelf-type storage components (37, 39) secured within the cabinet along with the firearm storage modules. Regarding claims 25–26, König discloses structure meeting every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing and mounting.

11. Claims 1–4, 25–28, 39–45 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Sells et al., US patent 6,868,975. Sells et al. disclose a cabinet (10) defining an interior; a door arrangement (22, 32) movable between open and closed positions; differently configured storage modules (50, 60, 70, 110, 150) adapted to be mounted within the cabinet interior, and a set of storage modules mounted within the cabinet (Fig. 2); firearm storage modules configured to support firearms (R, S, P), including a stock rest (50), barrel rests (60, 70, 110), and pistol supports (150); the stock rest being secured in a lower area of the cabinet interior and having an upwardly facing stock support surface; a shelf-type storage component (30) secured within the cabinet interior; a plurality of barrel supports (60, 70, 110) secured above the stock support surface via engagement with a mounting member (40), the mounting member being contained within the cabinet interior and extending between a pair of [vertically] spaced structural members (*i.e.*, walls of upper cabinet 20); and pistol supports secured within the cabinet via engagement with mounting members (160) contained within the cabinet. Re-

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garding claims 25–28, Sells et al. disclose structure meeting every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing, mounting, and securing.

***Claim Rejections—35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4–6, 9–10, 27–35, 41–45 and 47–49 are rejected under 35 U.S.C. 103(a) as being unpatentable over König as applied to claims 3, 26 and 45 above, and further in view of Sells et al. Regarding claims 4, 27 and 41, König discloses firearm storage modules including stock rests (22) and barrel supports (34, 34.2), but not pistol supports. Sells et al. discloses a storage cabinet having firearm storage modules including stock rests (50), barrel supports (60, 70, 110), and pistol supports (150). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König by including a pistol support, as taught by Sells et al., for the purpose of enabling the cabinet to contain and secure a wide variety of firearms.

Regarding claims 28 and 42, König teaches a stock rest (22) secured in a lower area of the cabinet interior, and having an upwardly facing stock support surface. Regarding claim 5, König teaches a stock rest configured for engagement with a lower wall of the cabinet (Fig. 1), but not one having spaced apart recesses. Sells et al. teach a stock rest (50) having spaced apart recesses (Figs. 1, 2), each defining an area for an individual firearm (R, S). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the

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cabinet of König, already modified as above, by including spaced apart recesses in the stock rest, as taught by Sells et al., for the purpose of defining individual areas for the stocks of the supported firearms.

Regarding claim 29 and 43–45, König teaches a shelf module (39) secured within the cabinet interior, defining a passage under the shelf module through which the stock rest extends; and a plurality of barrel rests (34, 34.2) secured above the stock rest via engagement with a mounting member (38); the mounting member extending between a pair of spaced structural members (18, 20).

Regarding claims 6, 30–31 and 49, König teaches a cabinet having a mounting member (38) configured to support the barrel rests, and capable of supporting other structures as well. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified to include pistol supports, by supporting the pistol supports on the mounting member.

Regarding claims 9–10, 32–35 and 47–48, König teaches rests and supports having a mounting section (52.2) and a barrel support section (34, 34.2), the mounting section having an engagement member (54) engaging a selected spaced opening (36) in the mounting member.

Regarding claims 27–35, König and Sells et al. teach every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing, mounting, and securing.

14. Claims 7, 8 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over König and Sells et al. as applied to claims 6 and 45 above, and further in view of Lavin et al. König teaches a mounting member (38) extending between a pair of spaced apart vertical support members (18, 20), but not a mounting member engaging a vertically spaced engage-



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ment structure on the vertical support members whereby the elevation of the support member can be adjusted. Lavin et al. disclose a cabinet (1) containing a mounting member (7) with a plurality of openings (23) engaged by a variety of supports and rests (28), the mounting member having end sections (10, 12) mating with and engaging spaced openings in vertical support members (5), allowing the mounting member to be raised and lowered for convenience and accessibility. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Sells et al., by including mating engagement structure on the vertical support members and the mounting member, as taught by Lavin et al., for the purpose of enabling the vertical repositioning of the mounting member.

15. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over König and Sells et al. as applied to claim 6 above, and further in view of Bentley, US patent 5,271,174. König teaches firearm supports with mounting sections (52.2) configured to engage the mounting member (38), and a mounting member with a series of laterally spaced openings (36) engaging the mounting sections; but König and Sells et al. do not teach pistol supports with axial support members configured to be received within the barrel of a pistol. Bentley teaches a pistol support (10) having a mounting section (42) configured to engage a mounting surface, and an outwardly extending axial support member (23, 24) configured to be received within the barrel (14) of a pistol (12). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Sells et al., by including on each pistol support a mounting section to engage the mounting member and an axial support member to be received within the barrel of a pistol, as taught by Bentley, for the purpose of positively and safely securing a pistol in the cabinet.

16. Claims 13, 36–38 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over König as applied to claims 1, 25 and 39 above, and further in view of Fildes, US patent 1,811,312. König teaches a cabinet having a door arrangement, but not a door arrangement having folding door sections with inner and outer door members and a locking arrangement having latch members and control members. Fildes teaches a cabinet having a door arrangement, including a pair of folding door sections (A, B, C; A', B', C'), each having an inner door member (C, C') and outer door members (A, B; A', B'), the folding door sections being movable between closed and open positions; and a locking arrangement, including latch members (25, 26) carried by each folding door section and movable between engaged and release positions, and control members (30–33) carried by each folding door section and movable between first and second positions; the control members overlying the inner door members in the first position and being secured together (as by 40; page 2, lines 124–128). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König by providing it with folding door sections, latch members, and lockable control members, as taught by Fildes, for the purpose of providing the cabinet with a secure closure openable with a small clearance. Regarding claims 36–38, König and Fildes teach every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing, mounting, and securing.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 enclosed herewith.

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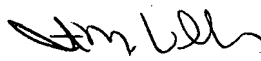
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mart K. Kuhn whose telephone number is (571) 272-8926. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKK MKV

7/10/2007

  
JANET M. WILKENS  
PRIMARY EXAMINER  
Art Unit 3637